

REMARKS

Claims 1-9 are currently pending. The Office has indicated that claims 1-7 have been deemed as being allowable. Claims 8-9 are rejected. Applicant has amended claims 8-9 in this paper. No claims have been added or cancelled in this paper. Accordingly, claims 1-9 remain pending. Applicant requests consideration of the following remarks.

I. Formal Matters

Applicant acknowledges the following paragraph at page 3 of the present, Non-Final Office Action:

Allowable Subject Matter

4. Claims 1-7 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: The allowable subject matter in claims 1, 5 and 7 pertain to the range of the phase control in the prephasing process is about 10 degrees.

Applicant thanks Examiner Nguyen for indicating that claims 1-7 have been allowed.

II Claim Rejections Under 35 USC §101

Applicant acknowledges the following paragraph at page 2 of the present, Non-Final Office Action:

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 8 and 9 pertain solely to a computer program that is not embodied in any computer-readable media.

Applicant has amended claims 8 and 9 to recite: “*A computer-readable information medium storing a program...*” (emphasis added). Applicant submits that the amendment to claims 8 and 9 overcomes the rejection under 35 USC §101. Withdrawal of the rejection is requested; allowance of claims 8 and 9 is solicited.

Application No. 10/585,898
Amendment dated
Reply to Office Action of January 22, 2010

Docket No.: 215384-106380

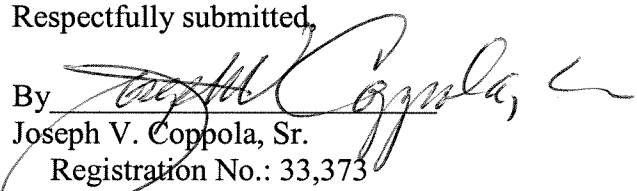
Conclusion

In view of the above remarks, Applicant believes the pending application is in condition for allowance. Any fee due with the filing of this paper may be charged to our Deposit Account No. 50-3145, under Order No. 215384-106380 from which the undersigned is authorized to draw.

Dated: *March 31, 2010*

Respectfully submitted,

By


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